

Prob 12C  
(Rev. 10/20 - D/SC)

# United States District Court

for

District of South Carolina

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## Petition for Warrant or Summons for Offender Under Supervision

**Name of Offender:** Benjamin Thomas Samuel McDowell

**Case Number:** 4:17CR00161-001

**Name of Sentencing Judicial Officer:** The Honorable R. Bryan Harwell, Chief United States District Judge

**Date of Original Sentence:** July 11, 2018

**Original Offense:** Felon in Possession of a Firearm and Ammunition, in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2)

**Original Sentence:** The defendant was committed to the custody of the United States Bureau of Prisons for thirty-three (33) months followed by a three (3) year term of supervised release. The following special conditions were imposed: (1) For the first year of supervision, the defendant shall be on home confinement with electronic monitoring. He shall reside with a relative, preferably one of his grandparents if available, alternatively, the Court will consider a family friend like Mr. Floyd who spoke to the Court at sentencing. The defendant shall contribute to the costs of the electronic monitoring not to exceed an amount determined reasonable by the court approved "U.S. Probation Office's Sliding Scale for Services", and shall cooperate in securing any applicable third-party payment, such as insurance or Medicaid; (2) The defendant shall satisfactorily participate in a drug testing program as approved by the U.S. Probation Office. The defendant shall contribute to the costs of such treatment not to exceed an amount determined reasonable by the court approved "U.S. Probation Office's Sliding Scale for Services", and shall cooperate in securing any applicable third-party payment, such as insurance or Medicaid; (3) The defendant shall satisfactorily participate in a mental health treatment program as approved by the U.S. Probation Office. The defendant shall contribute to the costs of such treatment not to exceed an amount determined reasonable by the court approved "U.S. Probation Office's Sliding Scale for Services", and shall cooperate in securing any applicable third-party payment, such as insurance or Medicaid; (4) The defendant shall participate in a vocational services program and follow the rules and regulations of that program. Such a program may include job readiness training and life skills development training. The defendant shall contribute to the costs of such treatment not to exceed an amount determined reasonable by the court approved "U.S. Probation Office's Sliding Scale for Services", and shall cooperate in securing any applicable third-party payment, such as insurance or Medicaid; and (5) The defendant shall pay a special assessment fee \$100 (satisfied October 15, 2018).

**Type of Supervision:** Supervised Release

**Date Supervision Commenced:** July 19, 2019

**Assistant U.S. Attorney:** A. Bradley Parham

**Defense Attorney:** William F. Nettles, IV

**Previous Court Action/Notification(s):** On June 2, 2020, the Court was notified that Mr. McDowell admitted to using Suboxone without a valid prescription on October 2, 2019. The Court was also advised that Mr. McDowell continued to attend mental health and substance abuse counseling with Agape Counseling in Conway, South Carolina. Your Honor agreed with the recommendation to hold the violation in abeyance.

On December 16, 2020, the Court was notified that Mr. McDowell admitted to using marijuana on three separate occasions in October of 2020. The Court was also advised that Mr. McDowell continued to attend mental health and substance abuse counseling with Agape Counseling in Conway, South Carolina. Your Honor agreed with the recommendation to hold the violation in abeyance.

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### PETITIONING THE COURT

- ☐ To issue a warrant (petition and warrant to remain under seal)
- ☒ To issue a summons

The probation officer believes that the offender has violated the following condition(s) of supervision:

#### Violation Number

#### Nature of Noncompliance

1

**Use of Illegal Drugs (Suboxone and Marijuana):**

- a. On October 2, 2019, Mr. McDowell admitted to using Suboxone without a valid prescription. He admitted to obtaining the Suboxone from a friend.
- b. During a telephone conversation on October 15, 2020, Mr. McDowell admitted to using marijuana a few days prior to the call.
- c. During a virtual contact with Mr. McDowell and his counselor on October 30, 2020, Mr. McDowell admitted to using marijuana the previous night.
- d. During a telephone conversation on November 11, 2020, Mr. McDowell admitted to using marijuana after speaking with this officer on October 30, 2020.
- e. On January 11, 2021, Mr. McDowell submitted a drug screen which was later confirmed as being positive for marijuana by Alere Toxicology Specialists. He admitted to using the drug on January 10, 2021.

2

**Failure to Comply with Mental Health Treatment:** Upon being released to supervision, Mr. McDowell was referred to Agape Counseling in Conway, South Carolina, for mental health treatment. As part of his mental health treatment, Mr. McDowell was prescribed mental health medications for his diagnosis of Schizoaffective Disorder: Bipolar Type. Intermittently throughout his supervision, Mr. McDowell has failed to maintain compliance with his mental health medications as recommended by his counselor.

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I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 26, 2021

Krista M. Robertson

Krista M. Robertson  
U.S. Probation Officer  
Florence Office.

Reviewed and Approved By:

Michelle T. Owens

Michelle T. Owens  
Supervising U.S. Probation Officer

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**THE COURT ORDERS:**

- ☐ No action.
- ☐ The issuance of a warrant.
- ☐ **The Petition and Warrant shall remain under seal until served by the United States Marshal Service.**
- ☒ The issuance of a summons.

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**BOND CONSIDERATION:**

- ☒ Bond to be set at the discretion of the United States Magistrate Judge.
- ☐ No bond to be set.
- ☐ Other (specify):

R. Bryan Harwell  
The Honorable R. Bryan Harwell, U.S. District Judge

1-27-21

Date